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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,817	09/26/2003	Joerg Rheims	VOI0276.US	8920

7590 12/09/2005
Todd T. Taylor
Taylor & Aust, P.C.
142 S. Main St.
P.O. Box 560
Avilla, IN 46710

EXAMINER

HUG, ERIC J

ART UNIT PAPER NUMBER

1731

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/672,817	RHEIMS ET AL.	
	Examiner	Art Unit	
	Eric Hug	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-12 and 15-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The following is in response to the amendment filed October 28, 2005.

Claim Objections

Claims 5, 10-12, and 15 are objected to because of the following:

The claims recite "said refining step", whereas amended claim 1 now recites "mechanically treating" instead of refining. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Srivatsa et al (US 5,665,205).

Srivatsa discloses adding calcium carbonate filler to secondary fiber pulp of predetermined solids content (0.1 to 5 %) by in situ formation and attachment of the filler to the secondary pulp fibers. The secondary fiber pulp is mixed with calcium oxide or calcium hydroxide and then contacted with carbon dioxide in order to precipitate calcium carbonate on the secondary fibers. The pulp is subsequently used to make paper. Refining of the filler-containing pulp is performed in Example IV, Figures 5-8, in order to obtain a desired freeness.

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Claims 1, 5, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Allan (US 5,096,539).

Allan discloses filler-loaded fibers suitable for papermaking, wherein the filler is precipitated in situ within the cell walls of the fibers. The loaded fibers are produced from a fiber suspension of never-dried fibers at a predetermined solids content. The fibers may be beaten or unbeaten prior to loading. The loaded fibers are washed for use in papermaking. The loaded fibers are beaten after filling, either in the never-dried state before the papermaking operation or after being dried and during the beating process of the papermaking operation. Beating inherently controls the freeness of the pulp. See particularly column 4, lines 27-31 and column 7, lines 37-43. See also column 14, lines 14-19, which discloses that in contrast to other filling processes, the fibers do not lose an excessive amount of the filler upon beating.

Allowable Subject Matter

Claims 2-4, 6-12, and 16-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that claims 10-12 must also be rewritten to overcome the objections given above.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2-4 would be allowable for providing a predetermined solids content in the range of approximately 25-40%.

Claims 6-9 would be allowable for further diluting the suspension prior to the refining step.

Claims 10-12 would be allowable for further performing repeated refining.

Claims 16-22 would be allowable for refining according to the claim edge load.

Response to Arguments

Applicant's arguments filed October 28, 2005 have been fully considered and are persuasive. The rejections under 35 U.S.C. 103(a) over Klungness (US 5,223,090) alone or in combination with other references have been overcome by amendment and are hereby withdrawn.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cousin et al (US 5,731,080) discloses filler-loaded fibers which are useful in papermaking wherein the fibers may or may not be fibrillated by refining prior to loading.

A PTO-892, Notice of References Cited, is attached with this office action and includes references previously cited but inadvertently left off of the PTO-892 mailed previously.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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